

App. No. 10/713,627  
Amendment Dated January 3, 2007  
Reply to Final Office Action of October 30, 2006

REMARKS/ARGUMENTS

Claims 20-24, 27-29, and 44-53 are pending in this application. Claims 20-24, 27-29, and 44-53 stand rejected. Claims 20, 27, 44, and 50 have been amended to clarify the claimed subject matter. No new matter has been added. In view of the following remarks, reconsideration and allowance of all pending claims are respectfully requested.

**Claim Rejections under 35 U.S.C. §112**

The Office Action rejected claims 20-24, 27-29 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement because allegedly the specification never suggests a two way communication between the mobile device and the broadcast transmitter. Applicants respectfully traverse the rejections. Claim 20 has been amended to recite transmitting information in a localcast mode as stated in the specification, for example, at page 21, lines 8-26. Claim 20 is allowable.

Claims 21-24 and 27-29 depend from amended claim 20 and are allowable for at least the same reasons as amended claim 20.

The Office Action rejected claims 50-53 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement because allegedly the specification never suggests a two way communication between the mobile device and the broadcast transmitter. Applicants respectfully traverse the rejections. Claim 50 recites a transceiver that is coupled to the antenna assembly, wherein the transceiver is arranged to provide communication over the antenna assembly in one of a broadcast mode and a localcast mode as stated in the specification,

App. No. 10/713,627  
Amendment Dated January 3, 2007  
Reply to Final Office Action of October 30, 2006

for example, at page 21, lines 8-26. Claim 50 does not recite transmitting information is in a broadcast mode. Claim 50 is allowable.

Claims 51-53 depend from claim 50 and are allowable for at least the same reasons as claim 50.

#### **Claim Rejections under 35 U.S.C. §102**

The Office Action rejected claims 44 and 48-50 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,548,814 ("Lorang"). Claim 44 as amended recites means for receiving a signal that is arranged to be tuned in response to a scheduled message reception. This amendment is supported in the specification for example, at page 6, line 25 to page 7, line 3. Lorang does not teach or otherwise suggest a tunable means for receiving because Lorang merely teaches fixed antennas with no variable tuning capability. (See, for example, Lorang at Figure 10). Claim 44 is allowable.

With regard to claim 48, Lorang does not teach or otherwise suggest means for receiving a signal that is arranged to be tuned in response to a scheduled message reception as discussed above. Claim 48 is allowable.

With regard to claim 49, Lorang does not teach or otherwise suggest means for receiving a signal that is arranged to be tuned in response to a scheduled message reception as discussed above. Claim 49 is allowable.

App. No. 10/713,627  
Amendment Dated January 3, 2007  
Reply to Final Office Action of October 30, 2006

With regard to claim 50, the cited art fails to teach or suggest claim 50 as amended. Claim 50 as amended recites an antenna assembly configured to be tuned in response to a scheduled message reception. This amendment is supported in the specification for example, at page 6, line 25 to page 7, line 3. Lorang does not teach or otherwise suggest a tunable antenna assembly because Lorang merely teaches fixed antennas with no variable tuning capability. (See, for example, Lorang at Figure 10). Claim 50 is allowable.

With regard to claim 52, Lorang does not teach or otherwise suggest an antenna assembly configured to be tuned in response to a scheduled message reception as discussed above. Claim 52 is allowable.

#### **Claim Rejections under 35 U.S.C. §103**

The Office Action rejected claims 45-47 and 51 under 35 U.S.C. §103(a) as being unpatentable over Lorang in view of U.S. Patent No. 5,168,271 ("Hoff"). With regard to claim 45, applicants traverse the rejection because, as discussed above with respect to claim 44, Lorang does not teach or otherwise suggest means for receiving a signal that is arranged to be tuned in response to a scheduled message reception because Lorang merely teaches fixed antennas with no variable tuning capability. (See, for example, Lorang at Figure 10). Hoff fails to overcome this deficiency because Hoff is directed to a wide area paging system that uses stereo FM sidebands. (Hoff, at Abstract). Accordingly Lorang and Hoff, either singly or in motivated combination, do not teach or suggest means for receiving a signal that is arranged to be tuned in response to a scheduled message reception. Claim 45 is allowable.

App. No. 10/713,627  
Amendment Dated January 3, 2007  
Reply to Final Office Action of October 30, 2006

With regard to claim 46, the cited references, either singly or in motivated combination, do not teach or otherwise suggest means for receiving a signal that is arranged to be tuned in response to a scheduled message reception as discussed above. Claim 46 is allowable.

With regard to claim 47, the cited references, either singly or in motivated combination, do not teach or otherwise suggest means for receiving a signal that is arranged to be tuned in response to a scheduled message reception as discussed above. Claim 47 is allowable.

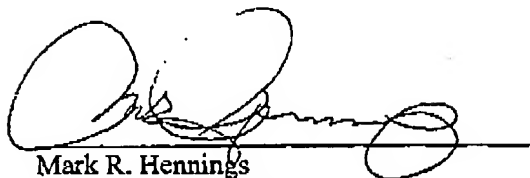
With regard to claim 51, applicants traverse the rejection because, as discussed above with respect to claim 50, Lorang does not teach or otherwise an antenna assembly configured to be tuned in response to a scheduled message reception because Lorang merely teaches fixed antennas with no variable tuning capability. (See, for example, Lorang at Figure 10). Hoff fails to overcome this deficiency because Hoff is directed to a wide area paging system that uses stereo FM sidebands. (Hoff, at Abstract). Accordingly Lorang and Hoff, either singly or in motivated combination, do not teach or suggest an antenna assembly configured to be tuned in response to a scheduled message reception. Claim 51 is allowable.

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

App. No. 10/713,627  
Amendment Dated January 3, 2007  
Reply to Final Office Action of October 30, 2006

Respectfully submitted,

MERCHANT & GOULD P.C.



Mark R. Hennings  
Registration No. 48,982  
Direct Dial: 206.342.6289

MERCHANT & GOULD P.C.  
P. O. Box 2903  
Minneapolis, Minnesota 55402-0903  
206.342.6200

